

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

MARILYN GAYE PIETY FOLEY,
Plaintiff

v.

DREXEL UNIVERSITY *et al.*,
Defendants

:
:
:
:
:
:
:

CIVIL ACTION

No. 22-1777

ORDER

AND NOW, this 31st day of May, 2023, upon consideration of Drexel University's and Dr. Kurtz's Partial Motion to Dismiss Plaintiff's Verified Amended Complaint (Doc. No. 16), Dr. Piety Foley's Response in Opposition (Doc. No. 21), the parties' further supplemental briefings (Doc. Nos. 22, 23, 40, 69, & 70), and the oral argument held on December 20, 2022, and for the reasons set forth in the accompanying memorandum, it is **ORDERED** that the motion (Doc. No. 16) is:

1. **DENIED IN PART** as to the non-discrete events alleged in the Amended Complaint that pre-date the applicable statute of limitations for the Title VII, PHRA, and Title IX claims and as to the issue of the administrative exhaustion of Charge 3 with regard to the Title VII claim.
2. **GRANTED IN PART** as to the discrete, actionable events that fall outside the applicable statute of limitations for the Title VII, PHRA, and Title IX claims.
3. **GRANTED IN PART** without prejudice as to the administrative exhaustion of Charge 3 with regard to the PHRA claim and as to the administrative exhaustion of Charge 4 with regard to the Title VII and PHRA claims.

Dr. Piety Foley may amend her Amended Complaint with regard to the administrative exhaustion of her Title VII and PHRA claims **within 21 days** of the issuance of this order.

BY THE COURT:

A handwritten signature in cursive script, appearing to read "Gene E.K. Pratter", is written over a horizontal line.

GENE E.K. PRATTER
UNITED STATES DISTRICT JUDGE